



**DEPARTMENT OF ENVIRONMENTAL PROTECTION  
DIVISION OF AIR QUALITY**

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GOVERNOR

EDWARD L. KROPP, CHIEF

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DIRECTOR

**WEST VIRGINIA  
TITLE V  
PERMIT TO OPERATE**

THIS PERMIT IS ISSUED IN ACCORDANCE WITH THE WEST VIRGINIA AIR POLLUTION CONTROL ACT (W.VA. CODE §§ 22-5-1 ET SEQ.) AND 45 C.S.R. 30 - "REQUIREMENTS FOR OPERATING PERMITS." THE PERMITTEE IDENTIFIED AT THE FACILITY BELOW IS AUTHORIZED TO OPERATE THE STATIONARY SOURCES OF AIR POLLUTANTS IDENTIFIED HEREIN IN ACCORDANCE WITH ALL TERMS AND CONDITIONS OF THIS PERMIT.

**PERMITTEE: CONSOLIDATION COAL COMPANY  
FACILITY/LOCATION: ROBINSON RUN PREPARATION PLANT  
PERMIT NUMBER: R30-03300018-1996**

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EDWARD L. KROPP  
CHIEF, OFFICE OF AIR QUALITY

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April 21, 1999  
DATE ISSUED

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April 21, 2004  
EXPIRATION DATE

Any person whose interest may be affected, including, but not necessarily limited to, the applicant and any person who participated in the public comment process, by a permit issued, modified or denied by the director may appeal such action of the director to the air quality board pursuant to article one [§§ 22B-1-1 et seq.], chapter twenty-two-b of the Code of West Virginia. W. Va. Code §22-5-14.

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## SECTION I. FACILITY INFORMATION

### A. PERMIT DATES

|                          |                  |
|--------------------------|------------------|
| Date of Issue:           | April 21, 1999   |
| Effective Date:          | May 21, 1999     |
| Expiration Date:         | April 21, 2004   |
| Renewal Application Due: | October 21, 2003 |

### B. FACILITY CONTACT INFORMATION

|                        |  |
|------------------------|--|
| Responsible Official:  | Mr. <u>Albert A. Aloia</u> <del>Dan R. Baker</del> |
| Telephone Number:      | (412) 831-4375                                     |
| Fax Number:            | (412) 831-4571                                     |
| Environmental Contact: | Mr. <u>Richard Denning</u> <del>Van Pitman</del>   |
| Telephone Number:      | <u>(412) 831-4529</u> <del>(304) 285-2230</del>    |
| Fax Number:            | <u>(412) 831-4513</u> <del>(304) 288-2226</del>    |

### C. FACILITY INFORMATION

|                          |  |
|--------------------------|--|
| Name of Permittee:       | Consolidation Coal Company   |
| Mailing Address:         | PO Box 100<br>Osage, WV 26543  |
| Name of Facility:        | Robinson Run Preparation Plant   |
| Mailing Address:         | Route 1, Box 26<br>Shinnston, WV 26431   |
| Telephone Number:        | (304) 795-1214   |
| Type of Business Entity: | Corporation  |
| Facility Description:    | Coal Preparation Plant   |
| Nearest City or Town:    | Shinnston  |
| County:                  | Harrison   |
| UTM Coordinates:         | ZONE: 17<br>EASTING: 554.82 km    NORTHING: 4361.54 km                                     |
| Directions:              | Left off of Route 4 north, approximately 5 miles<br>north of Shinnston along Robinson Run. |

### D. SIC CODES

|            |      |
|------------|------|
| Primary:   | 1222 |
| Secondary: | N/A  |
| Tertiary:  | N/A  |

## SECTION II. GENERAL CONDITIONS

This Section describes the general conditions applicable to all emission units at a Title V source. Conditions and requirements specific to this source are contained in Section III of the permit.

### A. BACKGROUND

1. All references to the "West Virginia Air Pollution Control Act" or the "Air Pollution Control Act" mean those provisions contained in W.Va. Code §§ 22-5-1 to 22-5-17.
2. The Clean Air Act means those provisions contained in 42 U.S.C. §§ 7401 to 7671q, and regulations promulgated thereunder.
3. "C.S.R." or "CSR" means the West Virginia Code of State Rules.
4. In some instances, provisions of 45 C.S.R. 30 have been paraphrased for clarity in specific application to this permit. However, any such paraphrasing is in no way intended to modify the meaning of any provision of 45 C.S.R. 30 or any other rule.
5. All citations to 45 C.S.R. 30 refer to the version of the rule which became effective on April 27, 1994.
6. The General Conditions in Section II of this permit may be modified by written administrative notice by the Director to the permittee to conform to amendments to 45 C.S.R. 30 approved by USEPA which may become effective during the term of this permit and which affect any of those General Conditions.
7. The "Director" means the Director of the Division of Environmental Protection, and shall have like meaning as the Chief of the Office of Air Quality, which is the Director's designated representative for the purposes of this permit. C.S.R. § 45-30-2.12.
8. Issuance of a Title V permit does not supersede or invalidate any existing permits under 45 C.S.R. 13, 45 C.S.R. 14, or 45 C.S.R. 19, although all applicable requirements from such permits governing the facility's operation and compliance have been incorporated into the Title V permit.
9. The permittee is not relieved of the requirements for obtaining a permit under 45 C.S.R. 13 (Permits for Construction, Modification, Relocation and Operation of Stationary Sources of Air Pollutants, Notification Requirements, Temporary Permits, General Permits, and Procedures for Evaluation), after the issuance of an operating permit under 45 C.S.R. 30. In addition, the permittee is not relieved from permitting requirements under 45 C.S.R. 14 and 45 C.S.R. 19. C.S.R. § 45-30-6.1.f.
10. The Director's authority to require standards under 40 C.F.R. 60 (NSPS), 40 C.F.R. 61 (NESHAPS), and 40 C.F.R. 63 (NESHAPS MACT) is provided in West Virginia

Code §§ 22-5-1 et seq. , 45 C.S.R. 16, 45 C.S.R. 15, 45 C.S.R. 34 and 45 C.S.R. 30.

11. Nothing in this permit shall be interpreted to preclude the use of any credible evidence to demonstrate compliance or noncompliance with any term or condition of this permit. C.S.R. § 45-30-5.3.e.3.B.
12. This permit does not convey permission to treat, store, or dispose of any materials determined to be hazardous wastes as per 45 C.S.R. 25. Additionally, it does not relieve the permittee herein of the responsibility to apply for and obtain all other required permits, licenses, and/or approvals from the Office of Air Quality as well as other local, state, and federal agencies which may have jurisdiction over the construction and/or operation of the source(s) and/or facility herein permitted. WV Code §§ 22-5-1 et seq.

**B. REQUIREMENT FOR PERMIT C.S.R. § 45-30-3.1.**

The following sources are subject to permitting requirements of 45 C.S.R. 30:

1. Any major source as defined by C.S.R. § 45-30-2.26.;
2. Any source, including an area source, subject to a standard or other requirements under § 111 of the Clean Air Act;
3. Any source, including an area source, subject to a standard or other requirements under § 112 of the Clean Air Act, except that a source is not required to obtain a permit solely because it is subject to regulations or requirements under § 112(r) of the Clean Air Act; and
4. Any affected source as defined by C.S.R. § 45-30-2.2. (Title IV Acid Rain)

**C. PERMIT ISSUANCE C.S.R. § 45-30-6.1.a.**

A permit, permit modification, or renewal may be issued only if all of the following conditions have been met:

1. The Director has received a complete application for a permit, permit modification, or permit renewal;
2. Except for modifications qualifying for minor permit modification procedures under C.S.R. § 45-30-6.5.a., the Director has complied with the public participation procedures for permit issuance in accordance with C.S.R. § 45-30-6.8.;
3. The Director has complied with the requirements for notifying and responding to affected States in accordance with C.S.R. § 45-30-7.2.;
4. The conditions of the permit provide for compliance with all applicable requirements

and the requirements of 45 C.S.R. 30; and

5. When appropriate, the Director will provide a copy of the permit and any notices required under C.S.R. §§ 45-30-7.1. and 7.2. to the USEPA, and USEPA has not timely objected to issuance of the permit under C.S.R. § 45-30-7.3.

#### **D. PERMIT EXPIRATION AND RENEWAL**

This permit expires at midnight on the expiration date, which is noted above and is five (5) years after the date of issuance. Expiration of this permit terminates the permittee's right to operate unless a timely and complete renewal application has been submitted in accordance with C.S.R. §§ 45-30-6.2. and 4.1.a.3. A timely application is one that is submitted at least six (6) months prior to the expiration of this permit. If the permittee submits a timely and complete application, the failure to have a Title V Operating Permit is not a violation of 45 C.S.R. 30 until the Director takes final action on the permit application. This protection shall cease to apply if, subsequent to the completeness determination, the permittee fails to submit by the deadline specified in writing by the Director any additional information identified as being required to process the application.

#### **E. CERTIFIED EMISSIONS STATEMENT AND FEES**

The permittee shall submit a certified emission statement and pay fees on an annual basis in accordance with the submittal requirements of the Office of Air Quality. C.S.R. § 45-30-8.

#### **F. CHANGES REQUIRING PERMIT REVISION**

1. **General.** This permit and/or any part thereof may be modified, revoked, reopened, and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation, and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition. C.S.R. § 45-30-5.1.f.3.
2. **Permit Reopening.** C.S.R. § 45-30-6.6.a.  
This permit shall be reopened and revised under any of the following circumstances:
  - a. Additional applicable requirements under the Clean Air Act or legislative rules adopted pursuant to West Virginia Code §§ 22-5-1, et seq. become applicable to a major source with a remaining permit term of three (3) or more years. Such a reopening shall be completed not later than eighteen (18) months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless the original permit or any of its terms and conditions has been extended pursuant to C.S.R. § 45-30-6.6.a.1.A. or B.;

- b. Additional requirements become applicable to an affected source under Title IV of the Clean Air Act or other legislative rules adopted pursuant to West Virginia Code §§ 22-5-1, et seq.;
- c. The Director or Administrator of USEPA determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emission standards or other terms or conditions of the permit;
- d. The Director or Administrator of USEPA determines that the permit must be revised or revoked and reissued to assure compliance with the applicable requirements.

3. **Administrative Permit Amendments.** C.S.R. § 45-30-6.4.

Changes qualifying for administrative amendment procedure under C.S.R. § 45-30-6.4.a., may be made to this permit in accordance with the procedure enumerated in C.S.R. § 45-30-6.4.b. as follows:

- a. The Director shall take no more than sixty (60) days from receipt of a request for an administrative permit amendment to take final action on such request, and may incorporate such changes without providing notice to the public or affected states provided that the Director designates any such permit revisions as having been made pursuant to this section.
- b. The Director shall submit a copy of the revised permit to the USEPA.
- c. The source may implement the changes addressed in the request for an administrative amendment immediately upon submittal of the request.

4. **Permit Transfers.** C.S.R. § 45-30-6.4.a.4.

A change in ownership or operational control of the permitted source may utilize the procedures for administrative permit amendments if the following requirements are met:

- a. The Director determines no other changes in the permit are required.
- b. A written agreement containing the following information is submitted to the Director:
  - i. The specific date for transfer of permit responsibility;
  - ii. Coverage; and
  - iii. Liability between the current and the new permittee.

- c. The permittee shall transfer any existing permits under 45 C.S.R. 13, 45 C.S.R. 14, and 45 C.S.R. 19 simultaneously in accordance with the requirements under the applicable rule.

5. **Minor Permit Modifications.** C.S.R. § 45-30-6.5.a.

Changes meeting the criteria enumerated in C.S.R. § 45-30-6.5.a.1., may be effected through the minor permit modification procedure. Pursuant to the procedure, the permittee must file an application for the change meeting the requirements of C.S.R. § 45-30-4.3., including those items enumerated in C.S.R. § 45-30-6.5.a.2.

6. **Significant Permit Modifications.** C.S.R. § 45-30-6.5.b.

Changes at the facility that require a permit revision, and which either do not qualify for or are not otherwise processed as minor permit modifications or as administrative permit amendments shall meet all of the requirements of C.S.R. § 45-30-6., including the requirements for applications, public participation, review by affected states and review by USEPA as they apply to permit issuance and permit renewal. The Director shall complete the review process for significant permit modifications within six (6) months after receipt of a complete application.

**G. CHANGES NOT REQUIRING PERMIT REVISION**

- 1. **Emissions Trading.** No permit revision shall be required, under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit and that are in accordance with all applicable requirements. C.S.R. § 45-30-5.1.h.
- 2. **Off-Permit Changes.** C.S.R. § 45-30-5.9. In addition to all insignificant emission units or activities which may be operated at this facility, the permittee is authorized to make changes in its operations or emissions that are not addressed nor prohibited in its permit and which are not considered to be construction, reconstruction nor modification under any rule promulgated by the Director within its facility without requiring a permit revision if:
  - a. The change meets all applicable requirements and does not violate any existing permit term or condition;
  - b. For changes in operation that result in, or have the potential to result in an increase in any regulated air pollutant, the permittee provides a written notice of the change to the Director and to USEPA within two (2) business days following the date of the change which includes:
    - i. A description of the change;
    - ii. The date on which the change will occur or has occurred;



- iii. Any change in emissions;
  - iv. The pollutants emitted; and
  - v. Any applicable requirement that would apply as a result of the change.
- c. The permittee keeps records describing all changes that result in emissions of regulated air pollutants, but not otherwise regulated under this permit, and the emissions resulting from those changes;
  - d. The change is not subject to any requirement under Title IV of the Clean Air Act (Acid Deposition Control);
  - e. The change does not require preconstruction review under any provision of Title I of the Clean Air Act, (including 45 C.S.R. 14 and 45 C.S.R. 19);
  - f. The off-permit change shall not qualify for a permit shield.
3. **Operational Flexibility.** C.S.R. § 45-30-5.8., C.S.R. § 45-30-2.39.

The permittee is authorized to make changes which qualify as Section 502(b)(10) changes, and which are not modifications under any rule or provision of Title I of the Clean Air Act, and which do not result in a level of emissions exceeding the emissions allowable under the permit without a permit revision. Before making a change under this provision, the permittee shall provide advance notice to the Director and to USEPA, describing the change to be made, the date on which the change will occur, any changes in emissions, and any permit terms and conditions that are affected. The permittee shall thereafter attach a copy of the notice to this permit, and the Director shall place a copy in the public file. The written notice shall be provided to the Director and USEPA at least seven (7) days prior to the date that the change is to be made, except that this period may be shortened or eliminated as necessary for a change that must be implemented more quickly to address unanticipated conditions posing a significant health, safety, or environmental hazard. If less than seven (7) days notice is provided because of a need to respond more quickly to such unanticipated conditions, the permittee shall provide notice to the Director and USEPA as soon as possible after learning of the need to make the change. The permit shield provided under C.S.R. § 45-30-5.6. shall not apply to changes made to effect operational flexibility under C.S.R. § 45-30-5.8. C.S.R. § 45-30-5.8.a.

4. **Reasonably Anticipated Operating Scenarios.** C.S.R. § 45-30-5.1.i.

If the permittee has been granted the authority to make a change from one operating scenario to another, the terms and conditions of such reasonably anticipated operating scenarios appear in the Specific Requirements of this permit, and such terms and conditions meet all applicable requirements, the permittee may make those changes

absent permit revision in accordance with those Specific Requirements, provided that:

- a. The source shall, contemporaneously with making a change from one operating scenario to another record in a log at the permitted facility a record of the scenario under which it is operating and to document the change in reports submitted pursuant to the terms of the permit or otherwise required by 45 C.S.R. 30.
- b. In accordance with Section II.K. of this permit, the permit shield described in C.S.R. § 45-30-5.6. may extend to all terms and conditions under each such reasonable anticipated operating scenario set forth in the Specific Requirements of this permit.

## **H. PUBLIC PARTICIPATION**

Except for permit revisions qualifying as administrative permit amendments or minor permit modification procedures, all permit proceedings, including initial permit issuance, significant modifications, permit reopenings and renewals, shall be subject to public participation requirements of C.S.R. §§ 45-30-6.8.a. through e.

## **I. COMPLIANCE AND ENFORCEMENT**

1. **Duty to Comply.** The permittee must comply with all conditions of this permit. Any permit noncompliance constitutes a violation of the West Virginia Code and the Clean Air Act and is grounds for enforcement action by the Director or USEPA; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. C.S.R. § 45-30-5.1.f.1.
2. **Inspection and Entry.** C.S.R. § 45-30-5.3.b.

The permittee shall allow any authorized representative of the Director, upon the presentation of credentials and other documents as may be required by law, to perform the following:

- a. At all reasonable times (including all times in which the facility is in operation) enter upon the permittee's premises where a source is located or emissions related activity is conducted, or where records must be kept under the conditions of this permit;
- b. Have access to and copy, at reasonable times, any records that must be kept under the conditions of this permit;
- c. Inspect at reasonable times (including all times in which the facility is in operation) any facilities, equipment (including monitoring and air pollution

Control equipment), practices, or operations regulated or required under the permit;

- d. Sample or monitor at reasonable times substances or parameters to determine compliance with the permit or applicable requirements or ascertain the amounts and types of air pollutants discharged.

3. **Certification of Compliance.** C.S.R. § 45-30-5.3.

The permittee shall certify compliance with the conditions of this permit on the forms provided by the OAQ. In addition to the annual compliance certification, the permittee may be required to submit certifications more frequently under an applicable requirement enumerated in the Specific Requirements Section of this permit. The annual certification shall be submitted to the OAQ and USEPA on or before March 15 of each year, and shall certify compliance for the period ending December 31.

4. **Schedule of Compliance.** C.S.R. § 45-30-5.3.c.

- a. For all applicable requirements with which the source is in compliance, the permittee shall continue to comply with such requirements. C.S.R. § 45-30-4.3.h.1.A.
- b. For applicable requirements that will become effective during the permit term, the permittee will meet those requirements on a timely basis, unless a more detailed schedule is expressly required by the applicable requirement. C. S. R. § 45-30-4.3.h.1.B
- c. For sources that are not in compliance with all applicable requirements at the time of permit issuance, the permittee must meet the requirements of the compliance schedule enumerated in the Specific Requirements Section of this permit and which incorporates all of the elements of C.S.R. § 45-30-4.3.h.1.C. For sources subject to such a compliance schedule, certified progress reports shall be submitted according to the schedule set forth in the Specific Requirements Section of this permit, but at least every six (6) months, and no greater than once a month, and shall include the following:
  - i. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
  - ii. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventative or corrective measure adopted.

5. **Need to Halt or Reduce Activity not a Defense.** C.S.R. § 45-30-5.1.f.2.

It shall not be a defense for a permittee in an enforcement action that it should have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. However, nothing in this paragraph shall be construed as precluding consideration of a need to halt or reduce activity as a mitigating factor in determining penalties for noncompliance if the health, safety, or environmental impacts of halting or reducing operations would be more serious than the impacts of continued operations.

6. **Federally-Enforceable Requirements.** All terms and conditions in this permit, including any provisions designed to limit a source's potential to emit and excepting those provisions that are specifically designated in the permit as "State-enforceable only", are enforceable by the Director, USEPA, and citizens under the Clean Air Act. C.S.R. § 45-30-5.2.a.
7. **Duty to Provide Representative Information.** Information compiled or utilized to determine compliance with emissions limitations and standards set forth in this permit shall fully comply with the testing, monitoring, recordkeeping and reporting provisions of this permit and shall be obtained under such conditions and at such times as necessary to assure that compliance is established for all periods of source operation represented by such testing, monitoring or recordkeeping and is based upon relevant averaging periods for each emissions limitation and standard. C.S.R. § 45-30-5.1.c.1.B.

## **J. SUBMISSION OF INFORMATION**

1. **Certification.** Any application form, report, or compliance certification required by this permit to be submitted to the OAQ and/or USEPA shall contain a certification by the responsible official that states that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete. C.S.R. § 45-30-4.4.
2. **Duty to Provide Information.** The permittee shall furnish to the Director within a reasonable time any information the Director may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Director copies of records required to be kept by the permittee. For information claimed to be confidential, the permittee shall furnish such records to the Director along with a claim of confidentiality in accordance with 45 C.S.R. 31. If confidential information is to be sent to USEPA, the permittee shall directly provide such information to USEPA along with a claim of confidentiality in accordance with 40 C.F.R. 2. C.S.R. § 45-30-5.1.f.5.
3. **Duty to Supplement and Correct Information.** Upon becoming aware of a failure to submit any relevant facts or a submittal of incorrect information in any permit application, the permittee shall promptly submit to the Director of OAQ such supplemental facts or corrected information. C.S.R. § 45-30-4.2.

4. **Recordkeeping.** C.S.R. § 45-30-5.1.c.2.A.

- a. In addition to the applicable recordkeeping requirements enumerated in the Specific Requirements Section of this permit, the permittee shall keep records of monitoring information that include the following:
  - i. The date, the specific units or equipment IDs subject to monitoring requirements under the Specific Requirements Section of this permit, and time of sampling or measurements;
  - ii. The date(s) analyses were performed;
  - iii. The company or entity that performed the analyses;
  - iv. The analytical techniques or methods used;
  - v. The results of the analyses; and
  - vi. The operating conditions existing at the time of sampling or measurement.
- b. The permittee shall retain records of all required monitoring data and support information for a period of at least five (5) years from the date of monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit. Where appropriate, records may be maintained in computerized form in lieu of the above records. C.S.R. § 45-30-5.1.c.2.B.

5. **Reporting.** C.S.R. § 45-30-5.1.c.3.

- a. In addition to the applicable reporting requirements enumerated in the Specific Requirements Section of this permit, the permittee shall submit reports of any required monitoring at least every six (6) months, but no more often than once per month. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with C.S.R. § 45-30-4.4. and submitted to the OAQ no later than fifteen (15) days following the close of that reporting period.
- b. With the submission of the annual compliance certification, the permittee shall report all deviations from permit requirements. These reports shall include those attributable to upset conditions as defined in the Specific Requirements Section of this permit, the probable cause of such deviations, and any corrective actions or preventative measures taken in accordance with any rules of the Director.

[NOTE: For reporting emergency situations refer to Section II.M.3. of this permit.]

- c. In addition to monitoring reports required by the permit, the permittee shall promptly submit supplemental reports and notices in accordance with the following:

- i. Any deviation resulting from an emergency or upset condition, as defined in C.S.R. § 45-30-5.7., shall be reported by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation, if the permittee desires to assert the affirmative defense in accordance with C.S.R. § 45-30-5.7. A written report of such deviation, which shall include the probable cause of such deviations, and any corrective actions or preventative measures taken, shall be submitted and certified by a responsible official within ten (10) days of the deviation. C.S.R. § 45-30-5.1.c.3.C.1.

[NOTE: For additional information regarding emergencies refer to Section II.M. of this permit.]

- ii. Any deviation that poses an imminent and substantial danger to public health, safety, or the environment shall be reported to the Director immediately by telephone or telefax. A written report of such deviation, which shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, shall be submitted by the responsible official within ten (10) days of the deviation. C.S.R. § 45-30-5.1.c.3.C.2.
- iii. Deviations for which more frequent reporting is required under the Specific Requirements Section of this permit shall be reported on the more frequent basis. C.S.R. § 45-30-5.1.c.3.C.3.
- iv. All reports of deviations shall identify the probable cause of the deviation and any corrective actions or preventative measures taken. C.S.R. § 45-30-5.1.c.3.C.4.

- d. A permittee may request confidential treatment for the submission of reporting required under C.S.R. § 45-30-5.1.c.3. pursuant to the limitations and procedures of W.Va. Code § 22-5-10 and 45 C.S.R. 31.

6. **Notice.** All notices, requests, demands, submissions and other communications required or permitted to be made to the Director of ~~OAQ-DAQ~~ and/or USEPA shall be made in writing and shall be deemed to have been duly given when delivered by hand, or mailed first class with postage prepaid to the address(es) set forth below or to such other person or address as the Director of the ~~Office~~ Division of Air Quality may designate:

If to the ~~OAQ~~DAQ:  
Director  
WV Department of Environmental Protection  
~~Office~~Division of Air Quality  
7012 MacCorkle Ave., SE  
Charleston, West Virginia 25304

Telephone: (304)926-3727  
Telefax: (304)926-3739

If to the USEPA:  
Associate Director, Enforcement (3AP1200)  
U.S. Environmental Protection Agency  
Region III  
1650 Arch Street  
Philadelphia, PA 19103-2029

**K. PERMIT SHIELD** C.S.R. § 45-30-5.6.a.

1. Where granted in the Specific Requirements Section of this permit, the permit shield infers that compliance with the conditions of this permit shall be deemed compliance with the corresponding applicable requirement(s) as of the date of permit issuance.
2. A permit shield must be requested by the permittee.
3. This permit will not grant permit shields for the construction, modification or relocation of any source which was required to obtain a permit under 45 C.S.R. 13, 45 C.S.R. 14, or 45 C.S.R. 19 prior to the issuance of this permit, except to the extent that applicable requirements established pursuant to permits issued under those rules are contained herein.

**L. SEVERABILITY**

The provisions of this permit are severable. If any provision of this permit, or the application of any provision of this permit to any circumstance is held invalid by a court of competent jurisdiction, the remaining permit terms and conditions or their application to other circumstances shall remain in full force and effect. C.S.R. § 45-30-5.1.e.

**M. EMERGENCY**

1. **Emergency**. C.S.R. § 45-30-5.7.
  - a. An "Emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions

attributable to the emergency. An Emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

- b. In the event that a permittee believes that an emergency condition has caused a technology-based emission limit to be exceeded and wishes to assert the occurrence of an emergency as an affirmative defense, the permittee must demonstrate through completion and certification of relevant evidence that all of the following conditions applied to or during the excess emissions event or period:
    - i. An emergency occurred and that the permittee can identify the cause(s) of the emergency;
    - ii. The permitted facility was at the time being properly operated;
    - iii. During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
    - iv. The permittee submitted notice of the emergency to the Director by telephone or telefax within one (1) working day of the date on which the permittee became aware of the deviation and made a request for variance as applicable rules provide. This notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.
  - c. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.
  - d. This provision is in addition to any emergency or upset provision contained in any applicable requirement.
- 2. For those facilities asserting an affirmative defense in the case of an emergency episode as defined by C.S.R. § 45-30-5.7.a., the permittee shall be required to take all reasonable steps to minimize levels of emissions that exceeded the emissions standards, or other requirements for this permit. The permittee shall submit notice of the emergency to the Director by telephone or telefax within one (1) working day of the date on which the permittee becomes aware of the deviation and make a request for variance. The notice must contain a detailed description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. An emergency constitutes an affirmative defense to an action brought for noncompliance with the technology-based emission limitation if the conditions of C.S.R. § 45-30-5.7.c. are met.
  - 3. For those facilities asserting an affirmative defense, a written report of any deviation



resulting from an emergency or upset condition, shall include the probable cause of such deviation, and any corrective actions or preventative measures taken, and shall be submitted and certified by a responsible official within ten (10) days of the deviation. C.S.R. § 45-30-5.1.c.3.C.1.

[NOTE: Refer to Section II.J.5.c.i. of this permit for additional information regarding emergencies.]

#### **N. PROPERTY RIGHTS**

This permit does not convey any property rights of any sort, or any exclusive privilege. C.S.R. § 45-30-5.1.f.4.

#### **O. ACCIDENTAL RELEASE PREVENTION REQUIREMENTS, §112(r) OF THE CLEAN AIR ACT**

Should this stationary source, as defined in 40 CFR part 68.3, become subject to part 68, then the owner or operator shall submit a risk management plan (RMP) by the date specified in 40 CFR part 68.10 and shall certify compliance with the requirements of part 68 as part of the annual compliance certification as required by 40 CFR part 70 or 71.

#### **P. OZONE DEPLETING SUBSTANCES**

For those facilities performing maintenance, service, repair or disposal of appliances, the permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 C.F.R. Part 82, Subpart F, except as provided for Motor Vehicle Air Conditioners (MVACs) in Subpart B:

1. Persons opening appliances for maintenance, service, repair, or disposal must comply with the prohibitions and required practices pursuant to C.F.R. §§ 40-82.154 and 82.156.
2. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to C.F.R. §§ 40-82.158.
3. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to C.F.R. §§ 40-82.161.

#### **Q. ADDITIONAL CONDITIONS**

Nothing in this permit shall alter or affect the following: C.S.R. § 45-30-5.6.c.

1. The provisions of Section 303 of the Clean Air Act (emergency orders), including the authority of the USEPA Administrator under that section;
2. The liability of an owner or operator of a source for any violation of applicable requirements prior to or at the time of permit issuance;
3. The applicable requirements of the acid rain program, consistent with Section 408(a) of the Clean Air Act;
4. The ability of EPA to obtain information from a source pursuant to Section 114 of the Clean Air Act.
5. The applicable requirements of the Code of West Virginia.

## SECTION III. SPECIFIC REQUIREMENTS

### A. EMISSION POINTS AND FUGITIVE DUST CONTROL SYSTEMS/POLLUTION CONTROL DEVICES

The following table provides a list of regulated sources of air pollutant emissions authorized to operate by this permit at the subject facility:

| Source ID        | Emission Point ID             | Equipment Description  | Design Capacity | Year Installed | Control Device ID         | Fugitive Dust Control System/Control Device <sup>1</sup> |
|------------------|-------------------------------|--|-----------------|----------------|---------------------------|--|
| 037              | 037, 037A, 038, 039, 040, 041 | Clean/Raw Coal Stockpile 2 (wind erosion, grading, pan load-in, pan reclaim, truck load-in, endloader loadout) | 240,000 TONS    | 1968           | N/A                       | MC   |
| 001              | 001,001C                      | Rotary Dump and Truck Dump   | 1,200 TPH       | 1968           | D001                      | PE   |
| 001A             | 001A                          | Screen 1   | 1,000 TPH       | 1968           | D002                      | FE   |
| 001B             | 001B                          | Crusher 1  | 1,200 TPH       | 1968           | D002                      | FE   |
| 002              | 002A, 003B                    | Conveyor and Transfer Points (raw coal to silo or conveyor)  | 1,200 TPH       | 1968           | D004                      | FE   |
| A002, A004, A008 | A001, A003, A005, A009        | Conveyors (3) and Transfer Points (raw coal onto A002, drop from A002, drop from A004, drop from A008)         | 4,000 TPH       | 1994           | DA001, DA003, DA005, D004 | FE   |
| A006             | A006                          | Screen A1 (rotary breaker building)  | 4,000 TPH       | 1994           | DA005                     | FE   |
| A006A            | A006A, A007, A010, A011       | Crusher A1 (rotary breaker building) and Transfer Points (drop to A008, drop to rock bin, drop to pan)         | 1,000 TPH       | 1994           | DA005, DA008              | FE   |
| 006              | 006, 012, 006A, 042, 043      | Raw Coal Stockpile 1 (wind erosion, pan reclaim, grading, truck load-in, pan load-in)                          | 250,000 TONS    | 1968           | D011                      | ST, UC   |
| 004              | 005                           | Conveyor and Transfer Point (raw coal to stockpile)  | 4,000 TPH       | 1994           | D006                      | FE   |
| 003              | 003A                          | Raw Coal Silo 1  | 6,000 TONS      | 1968           | D005                      | FE   |
| C3, C4           | 007, 009                      | Conveyors (2) and Transfer Points (plant feed)   | 2,800 TPH       | 2002           | D007, D009                | FE, PE(TP-007)   |
| 010B             | 010C                          | Preparation Plant (raw&wet)  | 2,800 TPH       | 2002           | D040, D041                | MC, EM, ES   |

<sup>1</sup>Transfer points (TP) have the same type of fugitive dust control system as the associated conveyors unless otherwise noted. Fugitive Dust Control System/Control Device abbreviations: FE = Full Enclosure, PE = Partial Enclosure, ST = Stacking Tube, MC = Moisture Content, UC = Underground reclaim feeder, TC = Telescoping Chute, EM = Enclosure and evacuation to mechanical collector, ES = Enclosure and evacuation to a scrubber, WT = Water truck

| Source ID          | Emission Point ID              | Equipment Description   | Design Capacity | Year Installed          | Control Device ID | Fugitive Dust Control System/Control Device <sup>1</sup> |
|--------------------|--------------------------------|---|-----------------|-------------------------|-------------------|--|
| D040               | P003                           | Dust Collector 1; removes PM from prep plant  | N/A             | 1968                    | N/A               | N/A  |
| D041               | P003                           | Scrubber; removes PM from prep plant  | N/A             | 1968                    | N/A               | N/A  |
| 044                | 046, 046B                      | Conveyor and Transfer Point (main conveyor from prep plant to power plant or clean coal silo conveyors)           | 1,300 TPH       | 1968                    | D032              | FE   |
| 045                | 046A                           | Conveyor and Transfer Point (alternate conveyor from prep plant to clean coal silo conveyors)                     | 1,000 TPH       | 1968                    | D032              | FE   |
| 013, 015           | 014, 016                       | Conveyors (2) and Transfer Points (clean coal to silo 1)  | 1,000 TPH       | 1968                    | D013, D015        | FE   |
| 017                | 017A                           | Clean Coal Silo 1   | 10,000 TONS     | 1968                    | D016              | FE   |
| C7                 | 019, 021A                      | Conveyor and Transfer Points (clean coal to rail loadout or by-pass)  | 4,000 TPH       | <del>1968</del><br>2002 | D018              | FE   |
| 020                | 021                            | Railroad Loadout 1  | 3,000 TPH       | 1968                    | D019              | FE, TC   |
| <del>C8</del> 022  | 023                            | Conveyor and Transfer Point (rail loadout by-pass belt)   | 1,200 TPH       | 1968                    | D023              | PE(conveyor), FE (TP)                                    |
| <del>C9</del> 024  | 024A                           | Conveyor and Transfer Point (initial belt in power plant feed)  | 1,300 TPH       | 1968                    | D042              | PE, EM   |
| D042               | P002                           | Dust Collector 2; removes PM from transfer point  | N/A             | 1968                    | N/A               | N/A  |
| <del>C10</del> 025 | N/A                            | Conveyor and Transfer Point (second belt in power plant feed)   | 1,300 TPH       | 1968                    | N/A               | FE   |
| 032                | 032, 033, 032A, 033A, 035, 036 | Clean Coal Stockpile 1 (wind erosion, reclaim to conveyor, grading, dozer to reclaim, truck load-in, pan load-in) | 40,000 TONS     | 1986                    | D028              | MC, UC   |
| <del>C12</del> 034 | 034A                           | Conveyor and Transfer Point (clean coal destock feeder)   | 1,200 TPH       | 1986                    | D023              | PE(conveyor), FE (TP)                                    |
| <del>C11</del> 026 | 027                            | Conveyor and Transfer Point (refuse)  | 200 TPH         | 1981                    | D027              | FE   |
| 028                | 029, 030                       | Refuse Bin and Transfer Points  | 200 TPH         | 1981                    | N/A               | FE   |
| 031                | 031, 031A                      | Refuse Disposal Area 1 (wind erosion, grading)  | N/A             | 1968                    | D033              | WT   |
| 048A               | 048A                           | Lime Storage Silo 1   | 50 TONS         | 1971                    | N/A               | FE   |
| 048B               | 048B                           | Lime Storage Silo 2   | 50 TONS         | 1971                    | N/A               | FE   |
| 052A-F             | 052A-F                         | Haulroads   | N/A             | N/A                     | D033              | WT   |

<sup>1</sup>Transfer points (TP) have the same type of fugitive dust control system as the associated conveyors unless otherwise noted. Fugitive Dust Control System/Control Device abbreviations: FE = Full Enclosure, PE = Partial Enclosure, ST = Stacking Tube, MC = Moisture Content, UC = Underground reclaim feeder, TC = Telescoping Chute, EM = Enclosure and evacuation to mechanical collector, ES = Enclosure and evacuation to a scrubber, WT = Water truck

| Source ID   | Emission Point ID | Equipment Description  | Design Capacity    | Year Installed | Control Device ID | Fugitive Dust Control System/Control Device <sup>1</sup> |
|-------------|-------------------|--|--------------------|----------------|-------------------|--|
| 054         | 053E, 054E, 055E  | Clean Coal Blending Stockpile (truck load-in, wind erosion, endloader reclaim)   | 50,000 TONS        | 2000           | 053C, 054C, 055C  | MC, MD   |
| 056, 058    | 056E, 057E, 059E  | Stamler Feeder and Clean Coal Reclaim Conveyor and Transfer Points (clean coal drop into 056 from endloader, feeder to reclaim conveyor, reclaim conveyor to loadout belt) | 1,500 TPH          | 2000           | N/A               | MC, MD   |
| C7A         | 067               | Conveyor and Transfer Point  | 4,000 TPH          | 2002           | D067              | FE   |
| C15         | 060               | Conveyor and Transfer Point  | 2,800 TPH          | 2002           | D060              | FE   |
| C16         | 061               | Conveyor and Transfer Point  | 1,800 TPH          | 2002           | D061              | FE   |
| C17         | 062               | Conveyor and Transfer Point  | 600 TPH            | 2002           | D062              | FE   |
| C18         | 063               | Conveyor and Transfer Point  | 1,800 TPH          | 2002           | D063              | FE   |
| C19         | 064               | Conveyor and Transfer Point  | 1,800 TPH          | 2002           | D064              | FE   |
| C20         | 066               | Conveyor and Transfer Point  | 4,000 TPH          | 2002           | D066              | FE   |
| C21         | 068               | Conveyor and Transfer Point  | 500 TPH            | 2002           | D068              | FE   |
| C22         | 080               | Conveyor and Transfer Point  | 1,800 TPH          | 2002           | D080              | FE   |
| C23         | 081               | Conveyor and Transfer Point  | 1,800 TPH          | 2002           | D081              | FE   |
| 069         | 065               | Clean Coal Silo  | 4000 TPH           | 2002           | D065              | FE   |
| <u>MB1</u>  | <u>E-MB1</u>      | <u>Mine Portal Belt</u>  | <u>5,000 TPH</u>   | <u>2005</u>    | <u>NA</u>         | <u>FE</u>  |
| <u>MB2</u>  | <u>E-MB2</u>      | <u>Silo Feed Belt</u>  | <u>5,000 TPH</u>   | <u>2005</u>    | <u>NA</u>         | <u>FE</u>  |
| <u>MB3</u>  | <u>E-MB3</u>      | <u>Silo Transfer Belt</u>  | <u>5,000 TPH</u>   | <u>2005</u>    | <u>NA</u>         | <u>FE</u>  |
| <u>RCS2</u> | <u>E-RCS2</u>     | <u>Raw Coal Storage Silo 2</u>   | <u>10,000 TONS</u> | <u>2005</u>    | <u>NA</u>         | <u>FE</u>  |
| <u>RCS3</u> | <u>E-RCS3</u>     | <u>Raw Coal Storage Silo 3</u>   | <u>10,000 TONS</u> | <u>2005</u>    | <u>NA</u>         | <u>FE</u>  |
| <u>MB4</u>  | <u>E-MB4</u>      | <u>Silo Reclaim Belt</u>   | <u>4,000 TPH</u>   | <u>2005</u>    | <u>NA</u>         | <u>FE</u>  |
| <u>MB5</u>  | <u>E-MB5</u>      | <u>Overland Mine Belt 1</u>  | <u>4,000 TPH</u>   | <u>2005</u>    | <u>NA</u>         | <u>FE</u>  |
| <u>MB6</u>  | <u>E-MB6</u>      | <u>Overland Mine Belt 2</u>  | <u>4,000 TPH</u>   | <u>2005</u>    | <u>NA</u>         | <u>FE</u>  |

<sup>1</sup>Transfer points (TP) have the same type of fugitive dust control system as the associated conveyors unless otherwise noted. Fugitive Dust Control System/Control Device abbreviations: FE = Full Enclosure, PE = Partial Enclosure, ST = Stacking Tube, MC = Moisture Content, UC = Underground reclaim feeder, TC = Telescoping Chute, EM = Enclosure and evacuation to mechanical collector, ES = Enclosure and evacuation to a scrubber, WT = Water truck

## B. ENFORCEABILITY OF APPLICABLE REQUIREMENTS

The following table provides a summary of all applicable requirements and their methods for determining compliance. For further detail refer to the sections referenced in the columns entitled “Permit Condition Number” and “Compliance Demonstration - Condition Number.”

| Emission Point ID   | Applicable Requirement  | Permit Condition Number | Pollutant/Parameter              | Limit/Standard   | Compliance Demonstration            |  |
|---|---|-------------------------|----------------------------------|--|-------------------------------------|--|
|   |   |                         |                                  |  | Method                              | Condition Number                                   |
| Facility-Wide   | C.S.R. § 45-6-3.1.  | III.B.1.a.i.            | Refuse                           | Open Burning Prohibited  | N/A                                 | N/A  |
| Facility-Wide   | C.S.R. § 45-6-3.2.  | III.B.1.a.ii.           | N/A                              | Open Burning Prohibited  | N/A                                 | N/A  |
| Facility-Wide   | 40 C.F.R. §§ 61.145, 61.148, and 61.150                         | III.B.1.a.iii.          | Asbestos                         | N/A  | N/A                                 | N/A  |
| Facility-Wide   | C.S.R. § 45-30-4.3.h.1.B.                                       | III.B.1.a.iv.           | Any Newly Applicable Requirement | Notify and Submit Compliance Schedule  | N/A                                 | N/A  |
| Facility-Wide   | WV Code § 22-5-4(a)(15), C.S.R. §§ 45-5-10.1.-10.3.             | III.B.1.a.v.            | Testing                          | Conduct as required  | N/A                                 | III.B.1.a.v.                                       |
| Facility-Wide   | C.S.R. § 45-5-10.5.   | III.B.1.a.vi.           | Testing                          | Install Flow Straightening Devices as required   | N/A                                 | III.B.1.a.vi.                                      |
| Facility-Wide   | C.S.R. § 45-4-3.1.  | III.B.1.b.              | Any Air Pollutant                | Objectionable Odor Prohibited  | N/A                                 | N/A  |
| Facility-Wide   | C.S.R. § 45-11-5.2.   | III.B.2.a.i.            | Any Regulated Air Pollutant      | Submit Standby Plan if Requested   | N/A                                 | N/A  |
| Facility-Wide   | C.S.R. § 45-5-3.4., C.S.R. §45-13 (Permit #R13-2306 <u>CB</u> ) | III.B.2.a.ii.           | Particulate Matter               | 20% Opacity  | Visual Inspection and Recordkeeping | III.C.1. (Not required for stockpiles & haulroads) |
| Facility-Wide (All Fugitive Dust Control Systems as specified in Section III. Table A.) | C.S.R. § 45-5-6.1., C.S.R. §45-13 (Permit #R13-2306 <u>CB</u> ) | III.B.2.a.iii.          | Particulate Matter               | Operate and Maintain Fugitive Dust Control System  | Recordkeeping                       | III.C.2.   |
| Facility-Wide   | C.S.R. § 45-5-6.2., C.S.R. §45-13 (Permit #R13-2306 <u>CB</u> ) | III.B.2.a.iv.           | Particulate Matter               | Minimize Dust Generation and Atmospheric Entrainment through Dust Control Methods and Good Operating practices | Recordkeeping                       | III.C.3.   |

| Emission Point ID   | Applicable Requirement  | Permit Condition Number | Pollutant/Parameter     | Limit/Standard   | Compliance Demonstration            |                      |
|---|---|-------------------------|-------------------------|--|-------------------------------------|----------------------|
|   |   |                         |                         |  | Method                              | Condition Number     |
| <u>Refuse Disposal Area 1 (031)</u>   | <u>C.S.R. § 45-5-7.</u>   | <u>III.B.2.a.v.</u>     | <u>Coal Refuse</u>      | <u>Prevent and Control Air Pollution from Coal Refuse Disposal Areas</u> | <u>N/A</u>                          | <u>III.B.2.a.v.</u>  |
| <u>Refuse Disposal Area 1 (031)</u>   | <u>C.S.R. § 45-5-8.</u>   | <u>III.B.2.a.vi.</u>    | <u>Coal Refuse</u>      | <u>Investigate Burning Coal Refuse as required</u>                       | <u>N/A</u>                          | <u>III.B.2.a.vi.</u> |
| Facility-Wide   | WV Code § 22-5-4(a)(14)   | III.B.2.a.vii.<br>v.    | Criteria Air Pollutants | Submit Annual Emission Inventory   | Reporting                           | III.B.2.a.vi.<br>v.  |
| <u>Refuse Disposal Area 1 (031)</u>   | <u>C.S.R. § 45-1-4.</u>   | <u>III.B.2.b.i.</u>     | <u>Coal Refuse</u>      | <u>Prevent and Control Air Pollution from Coal Refuse Disposal Areas</u> | <u>N/A</u>                          | <u>III.B.2.b.i.</u>  |
| <u>Refuse Disposal Area 1 (031)</u>   | <u>C.S.R. § 45-1-5.</u>   | <u>III.B.2.b.ii.</u>    | <u>Coal Refuse</u>      | <u>Investigate Burning Coal Refuse as required</u>                       | <u>N/A</u>                          | <u>III.B.2.b.ii.</u> |
| Transfer Points (A001, A003, A005, A007, A009, A010, A011, 005, 027, 029, 030, 034A), Screen (A006), Crusher (A006A), 056E, 057E, 059E Conveyors (C3, C4, C7, C7A, C15, C16, C17, C18, C19, C20, C21, C22, C23, <u>MB1, MB2, MB3, MB4, MB5, MB6</u> ), Raw Coal Storage Silos ( <u>RCS2, RCS3</u> ) | 40 C.F.R. § 60.252(c), 40 C.F.R. § 60.11(c), <del>C.S.R. § 45-13 (Permit #R13-2306A)</del><br>C.S.R. § 45-13 (Permit #R13-2306 <u>B</u> ) | III.B.2.a.viii<br>vi.   | Particulate Matter      | 20% Opacity  | Visual Inspection and Recordkeeping | III.C.1.             |
| Transfer Points (A001, A003, A005, A007, A009, A010, A011, 005, 027, 029, 030, 034A), Screen (A006), Crusher (A006A), 056E, 057E, 059E Conveyors (C3, C4, C7, C7A, C15, C16, C17, C18, C19, C20, C21, C22, C23, <u>MB1, MB2, MB3, MB4, MB5, MB6</u> ), Raw Coal Storage Silos ( <u>RCS2, RCS3</u> ) | 40 C.F.R. § 60.11(d)<br>C.S.R. § 45-13 (Permit #R13-2306 <u>B</u> )   | III.B.2.a.ix.<br>vii.   | Particulate Matter      | Operating and Maintenance procedures                                     | Visual Inspection and Recordkeeping | III.C.1.             |
| Preparation Plant (010B)  | C.S.R. § 45-13 (Permit #R13-2306 <u>B</u> , Requirement A.2.)   | III.E.1.                | Throughput              | 2,800 TPH  | Recordkeeping                       | III.C.4.             |

| Emission Point ID  | Applicable Requirement   | Permit Condition Number          | Pollutant/Parameter | Limit/Standard              | Compliance Demonstration            |                                  |
|--|--|----------------------------------|---------------------|-----------------------------|-------------------------------------|----------------------------------|
|  |  |                                  |                     |                             | Method                              | Condition Number                 |
| <u>Transfer Points (A001, A003, A005, A007, A009, A010, A011, 005, 027, 029, 030, 034A), Screen (A006), Crusher (A006A), 056E, 057E, 059E</u><br>Conveyors (C3, C4, C7, C7A, C15, C16, C17, C18, C19, C20, C21, C22, C23, <u>MB1, MB2, MB3, MB4, MB5, MB6</u> ), Raw Coal Storage Silos ( <u>RCS2, RCS3</u> ), Clean Coal Silo (069) | 40 C.F.R. §§ 60.11(b) and 60.254(b)<br>C.S.R. §45-13 (Permit #R13-2306 <u>CB</u> )       | III.B.2.a.x.<br><del>viii.</del> | Opacity Standards   | Test Methods and Procedures | Visual Inspection and Recordkeeping | III.B.2.a.x.<br><del>viii.</del> |
| Conveyor Belts (C5, C6, C13, and C14)  | C.S.R. §45-13 (Permit #R13-2306 <u>CB</u> , Requirement A. <u>7</u> .<br><del>6.</del> ) | III.E.2.                         | Removal             | Notify when removed         | Recordkeeping                       | III.E.2.                         |

## 1. GENERAL CONDITIONS

### a. ENFORCEABLE BY ODAQ AND/OR USEPA

- i. The open burning of refuse for the purpose of volume reduction, elimination, or product recovery by any person, firm, corporation or public agency is prohibited except as noted in C.S.R. § 45-6-3.1. (effective date July 1, 2001 ~~May 1, 1995~~). (*Facility-Wide Applicability*). ~~Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved rule.~~
- ii. No person shall cause, suffer, allow or permit any form of open burning during existing or predicted periods of atmospheric stagnation. C.S.R. § 45-6-3.2. (effective date July 1, 2001 ~~May 1, 1995~~). (*Facility-Wide Applicability*). ~~Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved rule.~~
- iii. The permittee is responsible for thoroughly inspecting the facility, or part of the facility, prior to commencement of demolition or renovation for the presence of asbestos and complying with 40 C.F.R. § 61.145, 40 C.F.R. § 61.148, and 40 C.F.R. § 61.150. The permittee must notify the Director of the OAQ at least ten (10) working days prior to the commencement of any asbestos removal on the forms prescribed by the Director. A copy of this notice is required to be sent to the USEPA, the Office of Waste Management and the Bureau for Public Health - Environmental Health. (*Facility-Wide Applicability*).



- iv. If any applicable requirement is promulgated during the term of this permit, the permittee is responsible for notifying the Director and submitting an appropriate compliance schedule. C.S.R. § 45-30-4.3.h.1.B. (effective date June 1, 2003 ~~April 27, 1994~~). (*Facility-Wide Applicability*).
- v. As per provisions set forth in Section III of this permit or as otherwise required by the Director, in accordance with the West Virginia Code, underlying regulations, permits and orders, the permittee shall conduct test(s) to determine compliance with the emission limitations set forth in this permit and/or established or set forth in underlying documents. The Director, or his duly authorized representative, may at his option witness or conduct such test(s). Should the Director exercise his option to conduct such test(s), the operator shall provide all necessary sampling connections and sampling ports to be located in such manner as the Director may require, power for test equipment and the required safety equipment, such as scaffolding, railings and ladders, to comply with generally accepted good safety practices. Such tests shall be conducted in accordance with the methods and procedures set forth in Section III of this permit or as otherwise approved or specified by the Director in accordance with the following:
  - (a) For emissions for which there are no applicable requirements within the permit, the Director for cause may require testing or monitoring to determine emissions of air pollutants or emissions from sources.
  - (b) The Director may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with 40 C.F.R. Parts 60, 61, and 63 in accordance with the Director's delegated authority and any established equivalency determination methods which are applicable. If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit will be revised in accordance with C.S.R. § 45-30-6.4. or C.S.R. § 45-30-6.5 as applicable.
  - (c) The Director may on a source-specific basis approve or specify additional testing or alternative testing to the test methods specified in the permit for demonstrating compliance with applicable requirements which do not involve federal delegation. In specifying or approving such alternative testing to the test methods, the Director, to the extent possible, shall utilize the same equivalency criteria as would be used in approving such changes under Section III.B.1.a.v.(b). If a testing method is specified or approved which effectively replaces a test method specified in the permit, the permit will be revised in accordance with C.S.R. § 45-30-6.4. or C.S.R. § 45-30-6.5 as applicable.

All periodic tests to determine mass emission limits from or air pollutant concentrations in discharge stacks and such other tests as specified in Section III of this permit shall be conducted in accordance with an approved test protocol. Unless previously approved, such protocols shall be submitted to the Director in writing at least thirty (30) days prior to any testing and shall contain the information set forth by the Director. In addition, the permittee shall notify the Director at least fifteen (15) days prior to any testing so the Director may have the opportunity to observe such tests. This notification shall include the actual date and time during which the test will be conducted and, if appropriate, verification that the tests will fully conform to a referenced protocol previously approved by the Director. WV Code § 22-5-4(a)(15), C.S.R. §§ 45-5-~~12~~10.1-12~~10.3~~. (effective date August 31, 2000 ~~May 1, 1995~~). (*Facility-Wide Applicability*). ~~Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved rule.~~

- vi. Any stack venting thermal drier exhaust gases and/or air table exhaust gases or exhaust gases or air from any air pollution control device shall include straight runs of sufficient length to establish flow patterns consistent with acceptable stack sampling procedures. Flow straightening devices shall be required where cyclonic gas flow would exist in the absence of such devices. C.S.R. § 45-5-~~12.6~~10.5. (effective date August 31, 2000 ~~May 1, 1995~~). (*Facility-Wide Applicability*). ~~Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved rule.~~

**b. ENFORCEABLE BY ODAQ ONLY**

No person shall cause, suffer, allow or permit the discharge of air pollutants which cause or contribute to an objectionable odor at any location occupied by the public. C.S.R. § 45-4-3.1. (effective date October 1, 1967). (*Facility-Wide Applicability*).

**2. SPECIFIC CONDITIONS**

**a. ENFORCEABLE BY ODAQ AND/OR USEPA**

- i. When requested by the Director, the permittee shall prepare standby plans for reducing the emissions of air pollutants in accordance with the objectives set forth in Tables I, II, and III of 45 C.S.R. 11. C.S.R. § 45-11-5.2. (effective date April 25, 1990). (*Facility-Wide Applicability*).
- ii. No person shall cause, suffer, allow or permit emission of particulate matter into the open air from any fugitive dust control system which is twenty percent (20%) opacity or greater. C.S.R. § 45-5-3.4. (effective date August 31, 2000). & C.S.R. §45-13 (Permit No. R13-2306CB -

DRAFT) (Condition B.2.). (*Facility-Wide Applicability*). ~~Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved rule.~~

- iii. No person shall cause, suffer, allow or permit a coal preparation plant or handling operation to operate that is not equipped with a fugitive dust control system. This system shall be operated and maintained in such a manner as to minimize the emission of particulate matter into the open air. All fugitive dust control systems shall remain functional year-round, to the maximum extent practicable, including winter months and cold weather. C.S.R. § 45-5-6.1. (effective date August 31, 2000 ~~May 1, 1995~~). & C.S.R. §45-13 (Permit No. R13-2306CB - DRAFT) (Condition B.2.). (*Facility-Wide Applicability* (All Fugitive Dust Control Systems as specified in Section III. Table A.)). ~~Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved rule.~~
- iv. The owner or operator of a coal preparation plant or handling operation shall maintain dust control of the premises and owned, leased, or controlled access roads by paving, or other suitable measures. Good operating practices shall be observed in relation to stockpiling, car loading, breaking, screening, and general maintenance to minimize dust generation and atmospheric entrainment. C.S.R. § 45-5-6.2. (effective date August 31, 2000 ~~May 1, 1995~~). & C.S.R. §45-13 (Permit No. R13-2306CB - DRAFT) (Condition B.2.). (*Facility-Wide Applicability*). ~~Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved rule.~~
- v. In order to prevent and control air pollution from coal refuse disposal areas, the operation of coal refuse disposal areas shall be conducted in accordance with the standards established by the following: C.S.R. § 45-5-7.1. (effective date August 31, 2000). (*Refuse Disposal Area 1 (031)*)
  - (a) Coal refuse is not to be deposited on any coal refuse disposal area unless the coal refuse is deposited in such a manner as to minimize the possibility of ignition of the coal refuse. C.S.R. § 45-5-7.2. (effective date August 31, 2000).(*Refuse Disposal Area 1 (031)*)
  - (b) Coal refuse disposal areas shall not be so located with respect to mine openings, tipples, or other mine buildings, unprotected coal outcrops or steam lines, that these external factors will contribute to the ignition of the coal refuse on such coal refuse disposal areas. C.S.R. § 45-5-7.3. (effective date August 31, 2000). (*Refuse Disposal Area 1 (031)*)

- (c) Vegetation and combustible materials shall not be left on the ground at the site where a coal refuse pile is to be established, unless it is rendered inert before coal refuse is deposited on such site. C.S.R. § 45-5-7.4. (effective date August 31, 2000). (Refuse Disposal Area 1 (031))
- (d) Coal refuse shall not be dumped or deposited on a coal refuse pile known to be burning, except for the purpose of controlling the fire or where the additional coal refuse will not tend to ignite or where such dumping will not result in statutory air pollution. C.S.R. § 45-5-7.5. (effective date August 31, 2000). (Refuse Disposal Area 1 (031))
- (e) Materials with low ignition points used in the production or preparation of coal, including but not limited to wood, brattice cloth, waste paper, rags, oil and grease, shall not be deposited on any coal refuse disposal area or in such proximity as will reasonably contribute to the ignition of a coal refuse disposal area. C.S.R. § 45-5-7.6. (effective date August 31, 2000). (Refuse Disposal Area 1 (031))
- (f) Garbage, trash, household refuse, and like materials shall not be deposited on or near any coal refuse disposal area. C.S.R. § 45-5-7.7. (effective date August 31, 2000). (Refuse Disposal Area 1 (031))
- (g) The deliberate ignition of a coal refuse disposal area or the ignition of any materials on such an area by any person or persons is prohibited. C.S.R. § 45-5-7.8. (effective date August 31, 2000). (Refuse Disposal Area 1 (031))
- vi. Each burning coal refuse disposal area which allegedly causes air pollution shall be investigated by the Director in accordance with the following: C.S.R. § 45-5-8.1. (effective date August 31, 2000). (Refuse Disposal Area 1 (031)):

  - (a) Each coal refuse disposal area which causes air pollution shall be considered on an individual basis by the Director. Consistent with the declaration of policy and purpose set forth in W. Va. Code §22-5-1, as amended, as well as the established facts and circumstances of the particular case, the Director shall determine and may order after a proper hearing the effectuation of those air pollution control measures which are adequate for each such coal refuse disposal area. C.S.R. § 45-5-8.2. (effective date August 31, 2000). (Refuse Disposal Area 1 (031))
  - (b) With respect to all burning coal refuse disposal areas, the person responsible for the coal refuse disposal areas or the land on which

the coal refuse disposal areas are located shall use due diligence to control air pollution from the coal refuse disposal areas. Consistent with the declaration of policy and purpose set forth in W. Va. Code §22-5-1, the Director shall determine what constitutes due diligence with respect to each such burning coal refuse disposal area. When a study of any burning coal refuse disposal area by the Director establishes that air pollution exists or may be created, the person responsible for the coal refuse disposal area or the land on which the coal refuse disposal area is located shall submit to the Director a report setting forth satisfactory methods and procedures to eliminate, prevent or reduce the air pollution. The report shall be submitted within such time as the Director shall specify. The report for the elimination, prevention or reduction of air pollution shall contain sufficient information, including, completion dates, to establish that the corrective measures can be executed with due diligence. If approved by the Director, the corrective measures and completion dates shall be embodied in a consent order issued pursuant to W. Va. Code §§ 22-5-1 et seq. If the report is not submitted as requested or if the Director determines that the methods and procedures set forth in the report are not adequate to reasonably control the air pollution he or she shall issue an order requiring the elimination, prevention or reduction of the air pollution. C.S.R. § 45-5-8.3. (effective date August 31, 2000). (Refuse Disposal Area 1 (031))

- ▼ vii. The permittee is responsible for submitting, on an annual basis, an emission inventory in accordance with the submittal requirements of the Office of Air Quality. W.V. Code § 22-5-4(a)(14). (effective date August 4, 1995). (*Facility-Wide Applicability*). Compliance with this streamlined limit assures compliance with the corresponding provisions of the SIP approved rule.
  
- ▼ viii. The permittee shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal that commences construction or modification after October 24, 1974, gases which exhibit 20 percent opacity or greater. These opacity standards shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard. 40 C.F.R. § 60.252(c) (Effective Date: January 15, 1976), 40 C.F.R. § 60.11(c) (Revised as of July 1, 1998) -(*Transfer Points (A001, A003, A005, A007, A009, A010, A011, 005, 027, 029, 030, 034A), Screen (A006), Crusher (A006A), 056E, 057E, 059E). (Conveyors (C3, C4, C7, C7A, C15, C16, C17, C18, C19, C20, C21, C22, C23, MB1, MB2, MB3, MB4, MB5, MB6), Raw Coal Silos (RCS2, RCS3), Clean Coal Silo (069)). & C.S.R. §45-13 (Permit No. R13-2306CB - DRAFT) (Condition B.4.).*

~~vii~~ ix. At all times, including periods of startup, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Director which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. 40 C.F.R. § 60.11(d) (Revised as of July 1, 1998). (*Transfer Points (A001, A003, A005, A007, A009, A010, A011, 005, 027, 029, 030, 034A), Screen (A006), Crusher (A006A), 056E, 057E, 059E). (Conveyors (C3, C4, C7, C7A, C15, C16, C17, C18, C19, C20, C21, C22, C23, MB1, MB2, MB3, MB4, MB5, MB6), Raw Coal Silos (RCS2, RCS3), Clean Coal Silo (069)). C.S.R. §45-13 (Permit No. R13-2306CB - DRAFT) (Condition B.4).*

~~viii~~ x. The owner or operator shall determine compliance with the particulate matter standards in §60.252 as follows: Method 9 and the procedures in §60.11 shall be used to determine opacity. Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Reference Method 9 in appendix A of 40 CFR 60. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard). 40 C.F.R. § 60.254(b) (Effective Date: January 15, 1976), 40 C.F.R. § 60.11(b) (Revised as of July 1, 1998). C.S.R. §45-13 (Permit No. R13-2306CB - DRAFT) (Condition B.4.). (*Transfer Points (A001, A003, A005, A007, A009, A010, A011, 005, 027, 029, 030, 034A), Screen (A006), Crusher (A006A), 056E, 057E, 059E). (Conveyors (C3, C4, C7, C7A, C15, C16, C17, C18, C19, C20, C21, C22, C23, MB1, MB2, MB3, MB4, MB5, MB6), Raw Coal Silos (RCS2, RCS3), Clean Coal Silo (069)). C.S.R. §45-13 (Permit No. R13-2306CB - DRAFT) (Condition B.4.).*

**b. ENFORCEABLE BY ØDAQ ONLY**

~~i.~~ In order to prevent and control air pollution from coal refuse disposal areas, the operation of coal refuse disposal areas shall be conducted in accordance with the standards established by the following: C.S.R. § 45-1-4. (effective date January 1, 1965). (*Refuse Disposal Area 1 (031)*)

~~(a)~~ Coal refuse is not to be deposited on any coal refuse disposal area unless the coal refuse is deposited in such a manner as to minimize the possibility of ignition of the coal refuse. C.S.R. § 45-1-4.1. (effective date January 1, 1965). (*Refuse Disposal Area 1 (031)*)

- (b) ~~Coal refuse disposal areas shall not be so located with respect to mine openings, tipples, or other mine buildings, unprotected coal outcrops or steam lines, that these external factors will contribute to the ignition of the coal refuse on such coal refuse disposal areas. C.S.R. § 45-1-4.2. (effective date January 1, 1965). (Refuse Disposal Area I (031))~~
- (c) ~~Vegetation and combustible materials shall not be left on the ground at the site where a coal refuse pile is to be established; unless it is rendered inert before coal refuse is deposited on such site. C.S.R. § 45-1-4.3. (effective date January 1, 1995). (Refuse Disposal Area I (031))~~
- (d) ~~Coal refuse shall not be dumped or deposited on a coal refuse pile known to be burning, except for the purpose of controlling the fire or where the additional coal refuse will not tend to ignite or where such dumping will not result in statutory air pollution. C.S.R. § 45-1-4.4. (effective date January 1, 1965). (Refuse Disposal Area I (031))~~
- (e) ~~Materials with low ignition points used in the production or preparation of coal, including but not limited to wood, brattice cloth, waste paper, rags, oil and grease, shall not be deposited on any coal refuse disposal area or in such proximity as will reasonably contribute to the ignition of a coal refuse disposal area. C.S.R. § 45-1-4.5. (effective date January 1, 1965). (Refuse Disposal Area I (031))~~
- (f) ~~Garbage, trash, household refuse, and like materials shall not be deposited on or near any coal refuse disposal area. C.S.R. § 45-1-4.6. (effective date January 1, 1965). (Refuse Disposal Area I (031))~~
- (g) ~~The deliberate ignition of a coal refuse disposal area or the ignition of any materials on such an area by any person or persons is prohibited. C.S.R. § 45-1-4.7. (effective date January 1, 1965). (Refuse Disposal Area I (031))~~
- ii. ~~Each burning coal refuse disposal area which allegedly causes air pollution shall be investigated by the Director in accordance with the following (C.S.R. § 45-1-5. (effective date January 1, 1965). (Refuse Disposal Area I (031)):~~
  - (a) ~~Each coal refuse disposal area which causes air pollution shall be considered on an individual basis by the Director. Consistent with the declaration of policy and purpose set forth in section one of Chapter twenty-two, article five of the code of West Virginia, as amended, as well as the established facts and circumstances of~~

~~the particular case, the Director shall determine and may order after a proper hearing the effectuation of those air pollution control measures which are adequate for each such coal refuse disposal area. C.S.R. § 45-1-5.1. (effective date January 1, 1965). (Refuse Disposal Area 1 (031))~~

- ~~(b) With respect to all burning coal refuse disposal areas, the person responsible for such coal refuse disposal areas or the land on which such coal refuse disposal areas are located shall use due diligence to control air pollution from such coal refuse disposal areas. Consistent with the declaration of policy and purpose set forth in section one of chapter twenty-two, article five of the code of West Virginia, as amended, the Director shall determine what constitutes due diligence with respect to each such burning coal refuse disposal area. When a study of any burning coal refuse disposal area by the Director establishes that air pollution exists or may be created, the person responsible for such coal refuse disposal area or the land on which such coal refuse disposal area is located shall submit to the Director a report setting forth satisfactory methods and procedures to eliminate, prevent, or reduce such air pollution. The report shall be submitted within such time as the Director shall specify. The report for the elimination, prevention or reduction of air pollution shall contain sufficient information, including completion dates, to establish that such program can be executed with due diligence. If such report is not submitted as requested or if the Director determines that the methods and procedures set forth in such report are not adequate to reasonably control such air pollution, then a hearing will be held pursuant to the procedures established by W.Va. Code § 22-5. C.S.R. § 45-1-5.2. (effective date January 1, 1965). (Refuse Disposal Area 1 (031))~~

### **C. SPECIFIC MONITORING/RECORDKEEPING/REPORTING REQUIREMENTS**

1. The permittee shall conduct monitoring/recordkeeping/reporting as follows (C.S.R. § 45-30-5.1.c.) & C.S.R. §45-13 (Permit No. R13-2306CB - DRAFT) (Condition A.3.) [Not required for stockpiles and haulroads (037, 037A, 006, 006A, 032, 032A, 031, 031A, 054, and 052A - F)]:
  - a. An initial visible emissions evaluation in accordance with 40 C.F.R. 60 Appendix A, Method 9 shall be performed within ninety (90) days of permit issuance for each emission unit with a visible emissions requirement in this permit unless such evaluation was performed within the consecutive 12-month period preceding permit issuance. This initial evaluation shall consist of three 6-minute averages during one consecutive 60 minute period. The initial evaluation shall be conducted at each emissions unit during the period of maximum expected visible emissions under normal unit and facility operations. A visible emissions



evaluation shall be conducted for each emission unit at least once every consecutive 12-month period in accordance with 40 C.F.R. 60 Appendix A, Method 9. This annual evaluation shall consist of a minimum of 24 consecutive observations for each emission unit.

- b. Each emissions unit with a visible emissions limit contained in this permit shall be observed visually at least each calendar week during periods of normal facility operation for a sufficient time interval to determine if the unit has any visible emissions using 40 C.F.R. 60 Appendix A, Method 22. If visible emissions from any of the emissions units are observed during these weekly observations, or at any other time, that appear to exceed 50 percent of the allowable visible emission requirement for the emission unit, visible emissions evaluations in accordance with 40 C.F.R. 60 Appendix A, Method 9 shall be conducted as soon as practicable, but no later than one (1) month from the time of the observation. A Method 9 evaluation shall not be required under condition Section III.C.1.b. if the visible emissions condition is corrected in a timely manner; the emissions unit is operating at normal operating conditions; and, the cause and corrective measures taken are recorded.
- c. If the initial, or any subsequent, visible emissions evaluation indicates visible emissions in excess of 50 percent of the allowable visible emissions requirement for a given emission unit, a visible emissions evaluation shall be performed for that unit at least once every consecutive 14-day period in accordance with 40 C.F.R. 60 Appendix A, Method 9. If subsequent visible emissions evaluations indicate visible emissions less than or equal to 50 percent of the allowable visible emissions requirement for the emission unit for 3 consecutive evaluation periods, the emission unit may comply with the visible emissions testing requirements of condition III.C.1.b. in lieu of those established in this condition.
- d. A record of each visible emissions observation shall be maintained, including any data required by 40 C.F.R. 60 Appendix A, Method 22 or Method 9, whichever is appropriate. The record shall include, at a minimum, the date, time, name of the emission unit, the applicable visible emissions requirement, the results of the observation, and the name of the observer.

C.S.R. §45-13 (Permit No. R13-2306C - Draft) (Condition A.3.).

- 2. The permittee shall inspect all fugitive dust control systems weekly to ensure that they are operated and maintained in conformance with their designs. The permittee shall maintain records of all scheduled and non-scheduled maintenance. Records shall be maintained on site for a period of no less than five (5) years stating any maintenance or corrective actions taken as a result of the weekly inspections, and the times the fugitive dust control system(s) are inoperable and any corrective actions taken. C.S.R. § 45-30-5.1.c. & C.S.R. §45-13 (Permit No. R13-2306C - DRAFT) (Condition A.4. 3-).
- 3. The permittee shall maintain daily records indicating the use of any dust suppressants or any other suitable dust control measures applied at the facility. These records shall be

maintained on site for a period of no less than five (5) years. C.S.R. § 45-30-5.1.c. & C.S.R. §45-13 (Permit No. R13-2306~~CB~~ - DRAFT) (Condition A.5. ~~4~~).

4. The permittee shall maintain records of the coal throughput and the hours of operation. Compliance with the hourly throughput limit shall be demonstrated by dividing the calendar month's total throughput by the number of hours operated in the same calendar month to obtain an hourly average. By the fifteenth day of each calendar month, the permittee shall calculate the hourly averaged throughput of the previous calendar month. These records shall be maintained on site for a period of no less than five (5) years. C.S.R. § 45-30-5.1.c. & C.S.R. §45-13 (Permit No. R13-2306~~CB~~ - DRAFT) (Condition A.6. ~~5~~).

#### **D. PERMIT SHIELD**

1. The permittee has requested and is hereby granted a permit shield in accordance with C.S.R. § 45-30-5.6. The permit shield applies as long as the permittee operates in accordance with the information contained within this permit.
2. The list below identifies requirements which are not applicable to the permittee and the determinations thereof. So long as the permittee operates within the constraints of these determinations, the permit shield shall apply to the provisions of the table.

[NONE GRANTED]

3. Compliance with the conditions of this permit shall be deemed compliance with the corresponding applicable requirements as of the date of permit issuance and/or that the requirements specifically identified are not applicable to the permittee as of the date of permit issuance. C.S.R. § 45-30-5.6.a.

#### **E. LIMITS ON OPERATION**

1. The throughput of coal to be handled or processed through the preparation plant, 010B, shall not exceed 2,800 tons per hour. C.S.R. §45-13 (Permit No. R13-2306~~CB~~ (Condition A.2.)).
2. The conveyor belts identified in permit application R13-2306B as C5, C6, C13 and C14 shall be removed from the facility. C.S.R. §45-13 (Permit No. R13-2306~~CB~~ (Condition A.7. ~~6~~)).

#### **F. COMPLIANCE PLAN**

As required, the permittee has achieved the activities stated in the Compliance Plan. (Compliance Plan Progress Report submitted July 23, 1999).

# APPENDIX

## List of Abbreviations

|                        |  |
|------------------------|--|
| <b>CAAA</b>            | Clean Air Act Amendments                                     |
| <b>CBI</b>             | Confidential Business Information                            |
| <b>CEM</b>             | Continuous Emission Monitor                                  |
| <b>CES</b>             | Certified Emission Statement                                 |
| <b>CFR</b>             | Code of Federal Regulations                                  |
| <b>CO</b>              | Carbon Monoxide  |
| <b>DEP</b>             | Division of Environmental Protection                         |
| <b>FOIA</b>            | Freedom of Information Act                                   |
| <b>HAP</b>             | Hazardous Air Pollutant                                      |
| <b>HON</b>             | Hazardous Organic NESHAP                                     |
| <b>HP</b>              | Horsepower   |
| <b>lbs/hr</b>          | Pounds per Hour  |
| <b>LDAR</b>            | Leak Detection and Repair                                    |
| <b>M</b>               | Thousand   |
| <b>MACT</b>            | Maximum Achievable Control Technology                        |
| <b>MM</b>              | Million  |
| <b>MMBtu/hr</b>        | Million British Thermal Units per Hour                       |
| <b>MMCF/hr</b>         | Million Cubic Feet Burned per Hour                           |
| <b>NA</b>              | Not Applicable   |
| <b>NAAQS</b>           | National Ambient Air Quality Standards                       |
| <b>NESHAPS</b>         | National Emissions Standards for Hazardous Air Pollutants    |
| <b>NO<sub>x</sub></b>  | Nitrogen Oxides  |
| <b>NSPS</b>            | New Source Performance Standards                             |
| <b>OAQ</b>             | Division of Environmental Protection - Office of Air Quality |
| <b>PM</b>              | Particulate Matter   |
| <b>PM<sub>10</sub></b> | Particulate Matter less than 10µm in diameter                |
| <b>pph</b>             | Pounds per Hour  |
| <b>ppm</b>             | Parts per Million  |
| <b>PSD</b>             | Prevention of Significant Deterioration                      |
| <b>psi</b>             | Pounds per Square Inch                                       |
| <b>SIC</b>             | Standard Industrial Classification                           |
| <b>SIP</b>             | State Implementation Plan                                    |
| <b>SO<sub>2</sub></b>  | Sulfur Dioxide   |
| <b>TAP</b>             | Toxic Air Pollutant  |
| <b>TPY</b>             | Tons per Year  |
| <b>TRS</b>             | Total Reduced Sulfur   |
| <b>TSP</b>             | Total Suspended Particulate                                  |
| <b>USEPA</b>           | United States Environmental Protection Agency                |
| <b>UTM</b>             | Universal Transverse Mercator                                |
| <b>VEE</b>             | Visual Emissions Evaluation                                  |
| <b>VOC</b>             | Volatile Organic Compounds                                   |

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